

Remarks/Arguments

Claims 1 and 17 are amended. Claim 18 is canceled. Claims 1-12, 17 and 19-22 are pending in the application. Support for the amendment can be found at paragraph 28 of the specification in U.S. Pub. No. 2006/0228589. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Interview Summary

Applicants wish to thank Examiner Gary Harris for the telephone interview held with Natalie Davis on June 23, 2009, during which the outstanding claim rejections were discussed. The current amendments to claims 1 and 17 were discussed in regards to possibly overcoming the cited art, as the cited art does not teach the claimed mean particle size.

Claim Rejections Under 35 USC § 112 Second Paragraph

Claim 17 stands rejected 35 U.S.C. § 112, second paragraph as being indefinite.

The Office action states that the term "high frequency" is a relative term that is not defined by the claims and the specification does not ascertain a requisite degree of what frequency is defined as high. MPEP 2172.03 states that when patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Applicant respectfully submits that the specification provides a reasonable degree of particularity and distinctness for the term "high frequency." High frequency is defined in the specification as a frequency in the GHz region. See

the specification at least, for example at paragraphs 6, 8, 15, 101-103, and 122. Accordingly, Applicant respectfully requests that the Office withdraw the rejection.

Claim Rejections Under 35 USC § 102

Claims 1-4, 6-7, 17 and 19-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Masaki, et al. (U.S. Pub. No. 2002/0012814). Applicant respectfully traverses this rejection.

Claim 1, as amended, is as follows:

A granular substance consisting essentially of:
a nonmagnetic insulating organic material; and
ferromagnetic metal particles dispersed in said
nonmagnetic insulating organic material and having a
mean particle size of 5 to 15 nm,

wherein the volume ratio of said nonmagnetic
insulating organic material in said granular substance is
in the range of 5 to 50%.

Claim 17, as amended. is as follows:

A magnetic device having a magnetic thin film for
high frequency,

characterized in that said magnetic thin film for
high frequency is formed of a granular substance
consisting essentially of;

a nonmagnetic insulating organic material; and
ferromagnetic metal particles dispersed in said
nonmagnetic insulating organic material and having a
mean particle size of 5 to 15 nm,

wherein the volume ratio of said nonmagnetic
insulating organic material in said granular substance is
in the range of 5 to 50%.

Applicant respectfully submits that Masaki fails to disclose or teach, at least, the following as set forth by claims 1 and 17: 1) A granular substance consisting essentially of a nonmagnetic insulating organic material and ferromagnetic metal particles and 2) ferromagnetic metal particles with mean particle sizes of 5 to 15 nm. In contrast, Masaki discloses ferromagnetic metal powder that comprises MAI_2O_4 (paragraph 14), has an average diameter of 25 to 78 nm (paragraph 32) and comprises voids in the magnetic layer (paragraph 95). Claim 1 recites "consisting essentially of" and thus the granular substance excludes voids and MAI_2O_4 as part of the present invention.

Masaki uses MAI_2O_4 to decrease the interaction between particles in order to obtain high coercive forces (paragraph 14 and 136). This implies that the spacing between the ferromagnetic metal particles in Masaki must be longer than that of the present invention, in order to maintain high coercive forces. Masaki's high coercive forces range from 135 to 240 kA/m (abstract and paragraphs 15 and 136) and 186 kA/m(=2332 Oe) to 210 kA/m(=2633 Oe) (Table 2). In contrast, the present invention purposely uses small particle sizes in order to obtain low coercive forces (paragraph 53) and discloses low coercive forces (H_{ce}) ranging from 14.3 Oe to 22.6 Oe and low coercive forces (H_{ch}) ranging from 7.1 Oe to 12.6 Oe (FIG. 8 Sample Nos. 2 to 5). As such, Masaki teaches away from using the ferromagnetic metal particles of the present claims.

In view of the foregoing, Masaki does not teach or suggest the granular substance as set forth by claims 1 and 17. Accordingly, Masaki is not obvious over claims 1 and 17. Likewise, dependent claims 2-4, 6-7, and 19-20 are also patentable

over Masaki for at least the same reasons as claims 1 and 17. Applicant respectfully requests that the Office withdraw the rejection.

Claim Rejections Under 35 USC § 102/103

Claims 5, 8-12, and 21-22 stand rejected under 35 U.S.C. 102(a) as being anticipated by or in the alternative under 35 U.S.C. 103(a) as unpatentable over Masaki. Applicant respectfully traverses this rejection.

Claims 5, 8-12, and 21-22 depend from claims 1 and 17, and as such includes all the limitations thereof, and is therefore patentable over Masaki for at least the same reasons discussed above with regard to claims 1 and 17.

In view of the foregoing, Masaki does not teach or suggest the invention as set forth by claims 1 and 17. Likewise, dependent claims 5, 8-12, and 21-22 are also patentable over Masaki for at least the same reasons as claims 1 and 17. In view of the foregoing, Applicant respectfully requests that the Office withdraw the rejection.

Claim Rejections Under 35 USC § 103

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki. Applicant respectfully traverses this rejection.

Claim 18 is canceled, thus rendering this rejection moot.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los

Appl. No. 10/541,096
Amdt. Dated July 6, 2009
Reply to Office Action of March 19, 2009

Attorney Docket No. 81864.0069
Customer No.: 26021

Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: July 6, 2009

By: 

Lawrence J. McClure
Registration No. 44,228
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Telephone: 310-785-4600
Facsimile: 310-785-4601